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Committee on the Elimination of Discrimination
Against Women (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of States Parties

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The Government of Ecuador, in compliance with the obligation entered into under article 18 1.(a) of the Convention on the Elimination of All Forms of Discrimination Against Women, to which it is a party by reason of its accession on 17 June 1980, of approval of accession by the National Congress on 7 October of the same year, and of presidential ratification on 19 October 1981, submits the following report to the Committee on the Elimination of Discrimination Against Women:

PART I

Articles 1 to 6 of the Convention:

1. According to advance sampling results of the 1982 census, furnished by the National Institute of Statistics and Censuses (INEC), Ecuador has (March 1984) a total population of 8,823,500 persons, of whom 4,464,600 live in urban areas and 4,358,900 in rural areas. Of this total population, 49.9 per cent are men and 50.1 per cent women, and 51.3 per cent dwell in urban areas and 48.8 per cent in the country.

2. The economically active (working) population of the country numbers 2,616,400 persons, of whom 1,372,600 are established in urban areas and 1,243,800 in rural areas. Of the total working population of Ecuador, women account for 545,200 (20.8 per cent), of whom 390,700 live in urban areas and 154,500 in rural areas, representing 28.5 per cent and 12.4 per cent of the total respectively.

3. Article 44 of the Political Constitution of the Ecuadorian State, approved by referendum on 15 January 1978, guarantees to all persons, whether men or women, who are subject to the jurisdiction of the State the free and effective exercise and enjoyment of all the civil, political, economic, social and cultural rights enunciated in the declarations, treaties, agreements and other international instruments currently in force.

4. In the light of the above-mentioned constitutional principle, the provisions of the Convention on Elimination of All Forms of Discrimination Against Women form part of the national legal system, and any violation of the rights enshrined therein entitles the possible victims to bring the appropriate action in Ecuadorian courts.

5. Article 19, section 4 of the Fundamental Charter lays down the principle of equality before the law and in so doing "prohibits any discrimination for reasons of race, colour, sex, language, religion, parentage, political or any other opinions, social origin, economic status or birth". The third paragraph of the same section refers expressly to the status of women:

> "Women, whatever their civil status, enjoy equal rights and opportunities with men in all areas of public, private and family life, especially in the civil, political, economic, social and cultural areas."

6. This constitutional provision, as will be seen below, is supported by a highly comprehensive legal framework, which ensures that the principles of the Fundamental Charter are genuinely applied and go beyond the level of mere statement.

7. The National Development Plan, within the Programme of Popular Support for the five-year period 1980-1984, includes a sub-programme entitled "Women and young people", the aims of which are:

"To secure conscious, critical and creative participation by young people and women in the life of the nation and to involve them in the country's social, economic and political development.

"To promote the physical, intellectual, moral and vocational development of the young people and women of Ecuador in such a way as to strengthen their participation in the family, society and the State.

"To co-ordinate the use of resources from the various sectors of production and from the government authorities to solve the problems affecting young people and women.

"To set up a unit responsible for executing the programme for young people and women and for co-ordinating the activities and resources that other institutions may devote to helping these groups of the population.

"To create new educational and employment opportunities which will benefit young people and women in particular and society in general, through self-managing forms of production.

"To secure active participation by young people and women as volunteers in popular promotion programmes to benefit the needy sectors of the population.

"To organize training courses at the basic, intermediate and higher levels to train leaders to promote popular organization and other activities connected with improving the status of young people and women."

8. With the aim of implementing the above sub-programme, the National Women's Office was established on 20 May 1980, and gave grounds for high hopes throughout the country since, for the first time in the history of Ecuador, women's affairs were to be handled on a specific and official basis; under the authority of the Ministry of Social Welfare, the Women's Office would plan, direct, co-ordinate and evaluate action to improve the status of women, to secure their vocational, technical and professional training, to propose appropriate measures and machinery, and gradually to extend its activities to all the socio-economic, cultural and political spheres of relevance to its work.

9. In order to attain its principal goal of promoting the status of the Ecuadorian woman so as to secure her integration and participation in the socio-political, cultural and economic development of the country, and also to improve her conditions of life, the National Women's Office is engaged in various activities throughout Ecuadorian territory:

- Planning, directing, co-ordinating, supervising and evaluating the work of the various public and semi-public bodies implementing programmes aimed at achieving the above mentioned objective;

- Research into and analysis of the status of women in various areas, in order to evolve policies designed to bring about changes in their present situation;

- Promoting the technical and professional training of women in order to ensure their access to the social and economic development of the country;

- Supervising observance of the relevant legislation and checking that no discriminatory action against women occurs;

- Encouraging a change in the traditional image of women by recourse to the mass media; and

- Proposing measures designed to secure greater participation by women in the political life of the country, through their tenure of executive and decision-making positions.

10. Ecuadorian criminal law recognizes the offences of corruption of minors and procuring. Book II, "Specific Offences", includes a title VIII referring to sexual crimes, the third chapter of which deals in fact with "corruption of minors, procurers, and public indecency".

11. Among the articles in this chapter, mention should be made of the following:

"Article 521. Any person committing acts of indecency by habitually promoting or facilitating the debauchery or corruption of minors of either sex shall be punished by imprisonment for from two to five years if the minors in question are aged 14 years or more, and by confinement for from three to six years if the minors have not reached that age.

"Article 522. The offence described in the preceding article shall be punished by confinement for from four to eight years if the minor has not reached the age of 12 years.

"Article 523. The minimum of the terms of imprisonment and confinement referred to in the preceding articles shall be increased by two years:

"If the offenders are ascendants, brothers or sisters, or spouse of the victim of the prostitution or corruption, or if the offender is a man living in marital relation with the female prostituted by him. If the offenders are parents of the victim, they shall furthermore be deprived of parental authority;

"If the offenders are the legal guardians of the victim;

"If the offenders are the teachers or servants of the victim, or servants of the persons mentioned above; and

"If they are public officials or ministers of religion.

"Article 524. In the cases envisaged in this chapter, the offenders will be also condemned to a fine of from 100 to 500 sucres.

"Article 525. Any person taking women into his house for the purpose of committing rape upon them shall be punished with imprisonment for from three to five years, unless he be director of a licensed brothel operating in accordance with the regulations issued by the competent authorities for this type of establishment.

"Article 526. Persons habitually engaged in procuring, except in the case mentioned in the preceding article, shall be punished with imprisonment for from two to five years and then placed on special probation for a period of from two to five years.

"Procuring shall be regarded as habitual when it has been proved to have been committed two or more times, on different occasions and against different persons.

"If the offence has been committed by the father or mother of a victim of prostitution, the offender shall furthermore be deprived of the rights and prerogatives granted under the Civil Code in respect of the person and property of the child."

12. By virtue of its signature ad referendum on 21 March 1950 of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, and of its deposit of the relevant instrument of accession on 3 April 1979, Ecuador is a Party to this Convention aimed at eliminating such degrading practices.

13. As members of the Committee will observe from the above-quoted legal provisions, there is in Ecuador not only no discrimination against women as regards white slaving and the exploitation of female prostitution, but furthermore the status of women is entirely equal with that of men, it having been borne in mind that, particularly when they are minors, both the male and the female are equally defenceless victims of this type of crime.

PART II

Article 7 of the Convention.

14. In title II, section VI of its First Part - referring to political rights - the Political Constitution enunciates the right of all Ecuadorians, irrespective of sex, to "vote and to be elected, to submit draft legislation to the National Congress, to be consulted in the cases laid down in the Constitution, to scrutinize the acts of the public authorities, and to fill public offices and functions in accordance with the conditions laid down by law" (article 32).

15. Article 33 of the same section provides that "suffrage shall be universal, equal, direct and secret, compulsory for persons able to read and write and optional for illiterate persons", and continues by stating that the only condition for the exercise of this fundamental right is that an Ecuadorian citizen should have reached the age of 18 years and should be in enjoyment of his or her political rights. This provision accords with article 12 of the Political Charter which designates the age of majority - reached according to the provisions of the Ecuadorian Civil Code at the age of 18 - as the only condition for the enjoyment and exercise of the rights of citizenship.

16. The above constitutional principle is stated in article 5 of the Electoral Law, as follows:

> "Any Ecuadorian, man or woman, who has reached the age of 18 years, who is in enjoyment of the rights of citizenship and who fulfils the conditions laid down in this law may be a voter."

17. Similarly, article 36 of the Constitution lays down the unrestricted and equal right of all Ecuadorians "to found political parties and participate in them ...". It is highly significant that one of the 17 parties legally operating in Ecuador is led by a woman.

18. When the Supreme Electoral Commission - a State body responsible for directing, supervising and guaranteeing the conduct of elections - was asked for information on the percentage female participation in elections during recent years, it furnished two statistical tables relating to the presidential elections in July 1978 and to the partial administrative elections held on 7 December 1980, the results being broken down by province (annex 1).

19. From these tables it emerges clearly that the female participation exceeded the male at the elections of 16 July 1978 held in Quito and that at the elections of 7 December 1980 voting by female illiterates, was greatly superior to that of

male illiterates, at national level. More recent data on this subject, particularly data referring to the two electoral rounds for nomination of the President of the Republic conducted on 29 January and 6 May of this year, will be communicated to the Committee as soon as available.

20. Although it is a fact that there is no legal text providing for intervention by women in the formulation of Government policies, it is no less a fact that, in practice, women have participated in the making of these policies through being a Minister or Under-Secretary of State or a high-ranking civil servant. The National Development Council, which is responsible for laying down general Government economic and social policies and for preparing the plans for their implementation, includes among its collaborators a large number of highly-qualified professional women.

21. The participation of women in non-governmental organizations and associations has substantially increased during recent years thanks to the positive action of groups of women interested, on the border of the public sector, in the problems of women in Ecuador; such is the case of the National Union of Ecuadorian Women (UNME), a voluntary organization of women which acquired legal personality in 1963 and has been carrying out its work since then, having its headquarters in Quito and branches thoughout the country. Among its activities, special mention may be made of those relating to:

(a) Community civic action, which includes the holding of civic meetings throughout the Republic, conventions, congresses and civic seminars, together with the preparation of handbooks on community affairs and the provision of electoral information services;

(b) Production workshops, which train female labour, market products through community shops, and issue publications dealing with matters of interest to women;

(c) Medical groups, located in five cities and in suburban and rural districts, which work on prevention of rheumatic fever and other diseases, and offer dietary education; and

(d) "Houses of the Citizeness" (Casas de la Ciudadana), located in various cities and in rural areas of the country, which, apart from performing civic educational work and accommodating production workshops, community shops and medical units for family health care, serve as teaching premises for seminars and conferences for rural women, and as shelters for children and adolescents.

22. Special mention should also be made of the energetic activities of the Ecuadorian Committee for Co-operation with the Inter-American Commission of Women, a private body which collaborates with this particular agency of the Organization of American States. Prominent among the activities of the Committee are:

(a) Activities to support accession to the Convention and to promote new legislation: in 1981 démarches were carried out in the National Congress with a view to the ratification by Ecuador of the Convention to which this report relates; similarly, bills (draft laws) were submitted to the legislature in order to secure reform of legislation discriminating against women;

(b) Projects: with the financial support of the Inter-American Commission of Women, the following projects have been implemented:

- Project for technology suitable for the rural woman, which benefited economically underprivileged women in 11 communities (it is hoped that during this year the number will be increased to 20);

- Training of women at present relegated to the margin of society in such spheres as nursing, home economics, literacy training and hand work;

- In 1984 there will be established the Women's Documentation and Information Centre, for dissemination of information on the achievements of women.

(c) Cultural activities: during the two-year period 1982-1983 the following have been carried out:

- Three workshop seminars, in various cities of the country, devoted to the family and to the importance of the woman as centre of the family viewed as the nucleus of society, and intended to make women aware of their legal and political rights.

- A workshop seminar held at Quito, for the benefit of persons working with women at prison rehabilitation centres.

- Publication of a brochure on the role of the family in Ecuadorian society and a supplement devoted to women issued by a leading Ecuadorian newspaper.

- Co-operation with the Institute of Family Studies, through publication of the periodical "La Mujer", the fifth issue of which appeared in December 1983.

(d) Fellowships and assistance in connection with international events: training has been given to women political and social leaders through international seminars and study fellowships.

23. Likewise worthy of mention is the work of the Secretariat General for Voluntary Service (SEGESVOL), a private organization having the objective of promoting and co-ordinating voluntary service institutions, so as to achieve a more effective impact on the community and avoid overlapping and waste of effort, by means of a training programme for volunteer ladies, advice to institutions affiliated to the Secretariat and inter-institutional co-ordination.

24. Among the many programmes conducted by SEGESVOL special mention should be made of the "Tarqui Project" which got its name from the place where it was held, the "Tarqui" settlement in the southern part of Quito. Launched in August 1979 in collaboration with the United States Overseas Education Fund, this project had the following objectives in mind:

- One of a general nature: the overall stimulation and development of the human qualities of the individual and hence of the qualities of the community; and

- Three of a specific nature:

  (a) The raising of the economic level of the family;

  (b) A reduction in the price of food, clothing and basic household equipment; and

  (c) Vocational training for the residents of the settlement, with a view to improving employment options and opportunities for self-employment.

25. In order to achieve these aims, the Tarqui Project provided for:

(a) The constitution and operation of a community co-operative, which participated in the construction, commissioning, operation and administration of a communal market;

(b) The establishment of a child care centre, in order to lighten the work of settlement mothers;

(c) The establishment of a centre for job training and instruction, which would generate or increase financial resources available to the residents of the settlement; and

(d) The establishment of a training centre offering courses of varying length on co-operative affairs, community development, human relationships, commercial and administrative skills, training in child care and management, health programmes, hygiene, etc.

26. The co-operative referred to in sub-paragraph (a) above began to operate in November 1979, was legally constituted in March 1980, and in April of that year began to administrate the communal market to whose establishment it had contributed. The centres referred to in sub-paragraphs (c) and (d) above, combined into one, began work a few days after the project had started. Finally, the centre mentioned in sub-paragraph (b) above became operational in November 1982, under the name of Centre for the Integral Development of the Child, and at present cares for 60 children between the ages of 18 months and 5 years.

Article 8 of the Convention.

27. As regards representation of the country at international level, it should be pointed out that the Organic Law on the Foreign Service, the legislative instrument which governs the subject in question, lays down the following as the sole conditions for entry into the diplomatic service (article 81):

"Candidates shall

(1) Be Ecuadorian citizens by birth and be over 21 years of age;

(2) Furnish proof of good public and private conduct;

(3) Know at least one foreign language;

(4) Give evidence of being in good health;

(5) Preferably hold the degree of licentiate (bachelor or master) or doctor of international law or of diplomatic studies, granted by a specialized higher educational institution;

(6) Be declared to be eligible on the basis of the selection procedure laid down in this law and its regulations."

28. The fact that the law places no restriction on grounds of sex has facilitated the entry of women into the Ecuadorian foreign service, whose female diplomatic staff has increased, even if slowly, in recent years. Recent statistical data show that, out of 268 officials holding diplomatic posts either at home or abroad, 19 are women, representing 7.08 per cent.

Article 9 of the Convention.

29. The national legal system provides for equality of rights between men and women as regards acquisition, change, or preservation of nationality. Section I, title I of the First Part of the Political Charter, entitled "Nationality" stipulates as follows:

"Art. 5. Persons may be Ecuadorian citizens by birth or by naturalization.

"Art. 6. Ecuadorian by birth are:

1. Persons born within the country;

2. Persons born abroad:

(a) Of a father or mother Ecuadorian by birth, and in the service of Ecuador or of an international organization, unless a wish to the contrary is expressed;

(b) Of a father or mother Ecuadorian by birth, who have taken up domicile in Ecuador or expressed their desire to hold Ecuadorian nationality, between the ages of 18 and 21 years.

"Art. 7. Ecuadorian by naturalization are:

1. Persons who have acquired Ecuadorian nationality for appropriate services to the State;

2. Persons who have obtained a naturalization certificate; and

3. Minors who have been legally adopted by Ecuadorians. Such persons retain their Ecuadorian nationality if they express the wish to do so between the ages of 18 and 21 years.

"Art. 8. Neither marriage nor the dissolution of marriage change the nationality of the spouses.

"Art. 9. Spaniards and Spanish Americans by birth who are domiciled in Ecuador are deemed to be Ecuadorians by naturalization, without losing their original nationality, provided they indicate their express wish for naturalization and the States concerned apply reciprocal arrangements.

"Art. 10. Persons holding Ecuadorian nationality at the time of promulgation of this Constitution continue to hold it.

"Art. 11. Ecuadorian nationality is lost:

1. For acts of treason, legally pronounced to be such;

2. By voluntary acquisition of another nationality, except as provided in article 9;

3. By cancellation of the naturalization certificate; and

4. In the other cases defined by law.

Ecuadorian nationality is recovered in accordance with the law."

30. Article 19 of the Naturalization Act contains, however, a provision which might be considered as to some extent discriminatory towards women and which extends the scope of the constitutional principle quoted in the preceding paragraph. It states:

"An Ecuadorian who acquires another nationality by naturalization ipso jure loses Ecuadorian nationality.

"The wife and minor children of an Ecuadorian becoming naturalized in another country lose Ecuadorian nationality if they acquire the foreign

nationality thereby; however, they retain the right to recover their original nationality upon termination of the marriage or on becoming of age, as the case may be."

This provision clearly puts the wife in the same position as the husband, assuming that naturalization of the latter in another country in fact involves the situation envisaged above.

Article 10 of the Convention.

31. As far as the right to education is concerned, the Constitution states the position clearly in general terms in article 27(7), which reads as follows:

"The State shall guarantee all members of the population access to education without any discrimination."

32. Setting forth in detail the above constitutional principle, the Education Act states in article 2(g) that "the State shall guarantee equal access to education and the elimination of illiteracy."

33. In its chapter on educational policy the National Development Plan mentions the "priority attention that should be given to the marginal urban population and the rural population and the need for education to serve the goal of constructing a country with a just society and clear national identity". It goes on to state that "the expansion of primary education in rural areas and literacy teaching will therefore receive special political and economic support in order to comply with the principle that the sectors of society that have lagged behind require priority attention".

34. In order to achieve these objectives, the National Plan prescribes the following methods:

"XIV. To encourage co-education and give women greater opportunities for entering occupations which have traditionally been the reserve of men.

"XX. Training the population for the organization of production to improve employment, income and welfare, to include indigenous groups in productive activity and the benefits of the country's development and to involve rural women."

35. This policy is reflected in the practical measures which have been adopted to obviate discrimination against women as regards education. Thus the curricula in national primary educational establishments are common to girls and boys, with the exception of "practical activities", an area in which different activities are provided in the case of girls, such as sewing, weaving, embroidering, cooking and so on. Similarly, the criterion of a common approach has been taken into account in the preparation of school textbooks, these containing material which aims at establishing equality of treatment and opportunity as between men and women.

36. According to data from the 1982 Housing and Population Census, supplied by the Ministry of Education and Culture and annexed to this report (appendix 2, tables 1 to 12), the school-age population - between the ages of 5 and 19 years - represents 37.49 per cent of the total population of the country; of this figure 50.36 per cent are male and 49.64 per cent female. The female population enrolled in schools represents 76.64 per cent of the total [female] population in the age group in question, leaving an illiterate (marginal) group of 23.36 per cent.

37. The tables showing the incidence of abandonment and repetition of studies in pre-primary, primary and secondary education denote a marked tendency to decrease

in recent years, and in any case the academic wastage is less in the case of girls (tables 10, 11 and 12 of appendix 2). It should at the same time be pointed out that the percentage relating to the two categories in question has a negative connotation in that it is added to the figure for illiteracy (marginality) quoted in the preceding paragraph.

38. From a comparison of the figures for enrolment of female pupils with those for males in the different classes during the period 1982-1983, it can be seen that, expressed as a percentage of the total enrolled population, the female enrolment is the following: pre-primary, 50.11 per cent; primary, 48.89 per cent; secondary, 49.87 per cent. This shows that male enrolment is in fact greater than the female, though only by one or two points.

39. Of the 190,157 pupils graduating from primary school, 49.5 per cent are girls. If this is compared with the number of female pupils enrolled in secondary school (which, although it does not correspond to precisely the same group, nevertheless enables an approximate relation to be established), it will be seen that there are 12.54 per cent of illiterate (marginal) females, compared with 5.47 per cent males.

40. With regard to diversified technical courses (the last three years of secondary technical education), the percentage enrolment is greater in the case of women (40.19 per cent) than in that of men (27.99 per cent), a fact which might be considered encouraging were it not for the further fact that the majority of women enter upon subordinate careers in commerce, administration or hand work, apart from in other traditional female activities, which means that they are debarred from real participation in the social and economic development of the country.

41. Of the total population of school age, 49.16 per cent reside in urban areas and 50.84 per cent in the country. Of the first group, 50.93 per cent are girls and 98.36 per cent of these are enrolled at a school, thus leaving a very low unenrolled percentage. In the country, on the other hand, the percentage of girls not enrolled in school reaches a fairly high figure: 44.36 per cent.

42. Regarding technical education, the National Development Plan lays down the following objectives:

> "vi. To cultivate love and respect for manual and intellectual work. Education should therefore not be a matter of memorizing, but should establish an organic link between knowledge and work (...)
>
> "vii. To encourage scientific and technological research, in the light of our natural resources and the requirements of productive activity, as a suitable means for offsetting our dependence on other countries (...)
>
> "ix. To strengthen vocational and professional guidance services throughout the educational process."

43. And in order to achieve these objectives, the following policies are defined:

> "x. Investigation of the job profiles required by the various sectors of the economy, in order to guide the preparation of programmes and curricula for secondary and higher education and training courses (...)
>
> "xii. Establishment of a national system of technical and vocational practical training which will result in the organic integration of secondary and higher technical educational institutions, training institutions and business firms in order to give students broader practical knowledge,

familiarizing them with work and production techniques. This will also make it easier for those graduating from such institutions to establish themselves in the labour market."

44. The statistics for the period 1982-1983 (appendix 2, table 5), indicated that of the 404 technical colleges in the country, 324 are mixed, 26 are for men only and 54 are exclusively for women. These establishments operate at post-basic level, with the opportunity to obtain a certificate of secondary technical education at the end of the course. There are also short courses of one to two years after the award of the certificate of secondary education, in both cases for men and women alike.

45. At these establishments there is a preference on the part of the women students for the technical industrial area and the area of commerce and administration, and within the first named area, mainly for the clothing industry, domestic science, small-scale industry, interior design and decoration, die-making, manual crafts and the food industry. In very few cases women enrol in agriculture, engineering or art.

46. There are no restrictions on women's participation in the teaching profession in Ecuador, and in view of the large number of women who choose it, it would not be going too far to detect a greater aptitude on the part of women in this field, on the basis of their mental and physical characteristics. Thus, of the 1,032 lecturers at teachers' training institutions, 57 per cent are men, and among the students, 12,025 out of a total of 18,024, or 67 per cent, are women. Similarly, almost all the teachers at pre-primary level are women (95.72 per cent), a percentage which decreases to 65.38 at primary level and drops sharply (to 39 per cent) at secondary level, the causes for which are unknown because thus far no studies have been undertaken to determine them.

47. In the field of literacy training, it should be pointed out that, although the illiteracy rate is greater among women, during recent years an extensive effort has been undertaken in order to integrate the female population, particularly that of rural areas, into the educational process. Thus, in 1983 participation by women from marginal areas in literacy and basic training programmes was as follows:

LITERACY

Level	Spanish	Vernacular	Total
I	45,845	11,975	57,820
II	32,209	-	32,209
III	45,509	8,031	53,540
Total	123,559	20,006	143,569

Basic professional training: 31,261 participants.

48. From 1975 to 1977 through the Education for Development Units, and from 1977 to 1979 with the guidance of the Department of Adult Education and Educational Co-ordination for Development, the Ministry of Education provided services for literate women at basic vocational training centres, with the aim of training them in occupations which would enable them to improve their economic and social status in the crafts and services sectors, the instruction taking the form of courses lasting two or three school years depending on the particular field. Upon completing the courses the women were given diplomas qualifying them for the free exercise of their professions. As from 1980 this task passed to the National

Literacy Office, which imparted a great stimulus to the establishment of new centres. The National Literacy Programme succeeded in reducing the rate of illiteracy from 21.6 per cent to 12.4 per cent by July 1982, and it is hoped that by August 1984 the rate will have been lowered to 5.9 per cent.

49. The Ecuadorian Institute for Educational Credit and Fellowships (IECE), a State body responsible for the planning and overall implementation of the educational credit programme at national level and for the central administration of nationally and internationally financed fellowships programmes, is at present carrying out two programmes:

(a) Educational Credit: this is a loan which is granted to Ecuadorians who are academically deserving but have insufficient funds, so that as beneficiaries of the loan they can afford the partial or total cost of financing their education, specialized education, further education or training, and can enjoy the use of the educational services to which they are entitled; and

(b) International Fellowships: this involves the administration of the fellowships programmes offered to Ecuador both by the Governments of friendly countries and by international organizations.

50. In spite of the fact that there are no legal obstacles to the participation on an equal footing of women as beneficiaries under the above-mentioned programmes, it can be observed by reference to the tables annexed to this report (appendix 3) that up to May 1983 the percentage of women having had recourse to them was rather low.

Article 11 of the Convention.

51. The right to work is also guaranteed under the Fundamental Charter. Article 19 (10) establishes the "freedom of work, commerce and industry, subject to the provisions of law". However, the Constitution does not confine itself merely to enunciating this fact, but devotes a complete section to the regulation of labour relations, namely title II, section V of the First Part, called "Labour":

> "Art. 31. Work is a right and a social duty. It enjoys the protection of the State. The law guarantees to the worker the respect for his dignity, a decent existence and remuneration adequate to cover his essential needs and those of his family, and is governed by the following fundamental rules:
>
> (a) Labour legislation and its application are subject to the principles of social law;
>
> (b) The State aims to eliminate unemployment and underemployment;
>
> (c) The State guarantees the inviolability of the rights granted to workers and adopts the measures necessary for their extension and improvement;
>
> (d) The rights of workers are irrevocable. Any provision implying the waiving, diminution or alteration of these rights is null and void. Actions to claim them may be brought within the time laid down by law, beginning at the date of termination of the labour relationship;
>
> (e) In cases of doubt regarding the scope of legal, statutory or contractual provisions governing labour matters, a decision shall be made in the direction more favourable to the workers;
>
> (f) Wages shall not be distrainable, except in the case of maintenance payments. All money owed by an employer for work done constitutes a first-class preference credit, taking precedence even over mortgage credits;

(g) Workers shall share in the liquid profits of undertakings, in accordance with the law;

(h) The right of workers and employers to form trade unions and associations, freely and without prior authorization, and in accordance with the law, is guaranteed;

(i) The right of workers to strike and the right of employers to practice lock-outs is recognized and guaranteed, in accordance with the law;

(j) Without prejudice to the overriding liability of the person directly responsible, and also without prejudice to rights of recovery, the person for whose benefit work is done or a service is rendered is fully responsible for compliance with the provisions of social legislation, even where the work contract is concluded through intermediaries;

(k) Labour disputes shall be submitted to conciliation and arbitration tribunals, composed of workers and employers, sitting under an official of the labour organization; these tribunals shall alone be competent for the assessment, handling and settlement of disputes;

(l) For purposes of payment of the compensation to which a worker may be entitled, remuneration shall be understood to mean all that the worker receives in cash, services or kind, including payment for overtime and supplementary work, piece-work, commission, profit-sharing or any other form of remuneration normally accepted in the industry or service.

Exception shall be made in respect of the legal percentage of profits, subsistence allowances or occasional subsidies, thirteenth-month and fourteenth-month salary payments, salary adjustments, bonuses and the value of social services."

52. The Labour Code expands the general statements of the Constitution, thus facilitating their application and making it easier for workers to have recourse to the courts of justice when their rights have been infringed. It should be explained that in Ecuador conflicts arising out of labour relations are subject to a special jurisdiction, that of the Labour Courts. These are the courts of first instance for handling all cases arising out of claims by workers against their employers or vice versa, with the Labour Judge entering a decision to settle the dispute. This decision is subject to appeal by plaintiff or defendant, or by both, depending on which of them considers his interests to have been prejudiced, before the Higher Court and then the Supreme Court of Justice, which also deals with matters other than labour disputes.

53. Security of job tenure is established in article 14 of the Labour Code, which lays down a period of "one year as minimum duration of any contract of labour for a fixed period or an indefinite period concluded between workers and undertakings or employers in general, provided that the activity or work is of a permanent nature, without it being permitted in such circumstances to convert contracts for an indefinite period into contracts for a fixed period".

54. Article 78 of the Labour Code categorically lays down the right to equal pay, and expressly renounces distinctions on grounds of sex, inter alia:

"Equality of pay. Equal work shall be remunerated by equal pay, without distinction of sex, race, nationality or religion; nevertheless, training and experience in performing the work shall be taken into account for purposes of remuneration."

55. Regarding the right to social security, the Ecuadorian Institute of Social Insurance (IESS) - an autonomous body responsible for insuring every person over the age of 14 years, irrespective of sex, marital status or profession, and who is carrying out a job or providing services under a work contract or an appointment - approaches the situation of women from three points of view: as an employer, as an affiliate of the Institute, and as a beneficiary of the Institute.

56. The woman as employer: Although, for individual reasons or on grounds of custom, there are in practice few cases in which a woman manages or directs a large or medium-sized undertaking, there are on the other hand numerous small commercial undertakings or workshops in the crafts and services sectors or in dressmaking which are directed by women. In these cases, and also in cases of employment of domestic servants, a woman employer has the same duties and obligations towards the IESS as have male employers, namely: (a) as employer she must register her undertaking with Social Insurance; (b) she must register each worker in her employment with Social Insurance, by returning the form entitled "Notice of Entry"; (c) she must each month deduct from the remuneration of her workers the personal contributions due from them and send these, together with the employer's contributions, to the IESS; (d) she must forward each year to Social Insurance the reserve funds of the workers in her employment; (e) she must supply Social Insurance with any information it may request regarding affiliated workers; and (f) she must inform Social Insurance promptly of any labour accidents befalling her workers.

57. Women as affiliates of the IESS: With the exception of a single case, which will be described below, women affiliated to the Ecuadorian Institute of Social Insurance are in exactly the same situation as men as regards rights and obligations vis-à-vis the Institute. Women pay as social insurance contributions the same percentage of their wages as do men, and - with the exception of maternity insurance, naturally something peculiar to women - they enjoy the same benefits. Except in the case which will be set forth below, they must fulfil the same conditions in order to qualify for the various types of insurance cover, and when they have complied with the general conditions laid down in the relevant legislation, they receive the same insurance benefits as men.

58. Notwithstanding the foregoing, as an exception it should be noted that, by a Decree published in Official Gazette No. 48 of 19 October 1979, repeating the terms of Legislative Decree No. 68-01, published in Official Gazette No. 447 of 22 August 1968, working women with 25 years' contributions are entitled to take their retirement, irrespective of their age, and to a pension equivalent to 100 per cent of the average of the five best-remunerated years of their affiliation. However, in spite of the above Decree being in force, the IESS has been unable to implement it owing to lack of the necessary funds, a situation which could cause the financial collapse of the pensions system, apart from constituting a privilege discriminating in favour of women, since the general labour legislation provides for 30 years' contributions and a minimum age of 55 in order to qualify for retirement, with a pension equal to 75 per cent of the average of the five best-remunerated years of affiliation.

59. Women as social insurance beneficiaries: Under the Ecuadorian social insurance system, women can qualify for pensions from the Institute as surviving spouse, as common-law wife of an insured single man, as daughter, mother or sister of a deceased pensioner or insured person, or as a person entitled to end-of-service benefits.

60. Life insurance:

(a) Surviving spouse: On the decease of a social insurance pensioner or of an insured person having contributed at least 60 monthly payments, the widow of the

deceased is entitled to a monthly widow's pension, not subject to any conditions. This pension continues to be paid for as long as the surviving spouse does not remarry, and if she does so her right to the pension is extinguished, after payment to her of a dowry equivalent to 24 monthly instalments thereof. In case of decease of a female social insurance pensioner, or of an insured woman having contributed to the IESS for at least five years, the surviving spouse is entitled to a widower's pension only in cases where he is incapacitated for work and can prove that he was living in economic dependence on his deceased spouse. In this case, if the beneficiary remarries, the pension is discontinued without giving rise to a dowry payment as in the case of a widow;

(b) Common-law wife: A single woman who has lived for five or more years under the same roof as, or who has had children by, an insured single man or male pensioner, enjoys the same rights as a surviving spouse as regards widow's pension, including the dowry if she contracts a marriage or begins a further co-habitation. The rights of the common-law wife were stated in Decree No. 115 of 22 December 1982, published in Official Gazette No. 399 of 29 December 1982. On the decease of a common-law wife who has been a social insurance contributor or pensioner, the surviving common-law husband enjoys no right to a widower's pension, even in cases where he is incapacitated for work and has been economically dependent on the woman with whom he has been living in common-law marriage;

(c) Affiliate's daughter: On the decease of an IESS pensioner or a contributor who has made at least 60 monthly payments, the following relatives are entitled to orphan's pensions on the same basis as the pensions payable to the surviving spouse or common-law wife referred to in the preceding paragraphs: children of less than 18 years of age, children who are students up to the age of 25 years, unmarried daughters of any age, and widowed or divorced daughters who, through absence of an income of their own, were economically dependent on the deceased father;

(d) Affiliate's mother: On the decease of a pensioner or insured person who has paid social insurance contributions for at least five years, and in the absence of a surviving spouse, common-law spouse or qualifying children, the mother of the affiliate or, if she is not living, the father of the affiliate are entitled to a pension if they are without means and have lived at the expense of their deceased son;

(e) Affiliate's brothers and sisters: On the decease of a pensioner or affiliate who has paid social insurance contributions for at least five years, and in the absence of a surviving spouse, common-law spouse or qualifying children and parents, brothers and sisters aged less than 18 years, brothers and sisters engaged in studies up to 25 years of age and brothers and sisters incapacitated for work who were living at the expense of the deceased brother at the moment of his death are entitled to a pension.

61. As will be inferred from the preceding sections, the situation of women is not only not inferior to that of men but women are on the contrary in a privileged position by the mere fact of their sex.

62. Life insurance against industrial accidents and end-of-service payments: The same considerations as those set forth in the preceding paragraphs apply in the case of the decease of an insured person as a result of an industrial accident; the situation is likewise the same in cases where the death of an insured person gives rise to end-of-service payments or when on the death of a pensioner or insured person payments are due from the Life Insurance Fund. It should be added only that, in the case of end-of-service payments and payments from the Life Insurance Fund, the sum in question is divided equally among the beneficiaries in each category of the family group and that, in such cases, a common-law wife has no entitlement.

63. Maternity insurance: Any affiliate who has paid six compulsory monthly contributions during the year previous to the birth, of which at least one contribution must relate to the first quarter of that year, is entitled to the benefits payable under Maternity Insurance. These benefits are: (a) obstetrical assistance, consisting of prenatal care, and care during the birth and post-partum period; (b) a cash grant during the two weeks before and the six weeks after the birth, equivalent to 75 per cent of the average of the wage or salary paid during the last three months prior to the first day of maternity leave; (c) a layette service; and (d) medical attention for the child during the first year of life.

64. There is at present in preparation a programme for extending insurance cover to new groups of the population, whether by introducing the compulsory system in the case of certain categories of salaried workers, such as agricultural workers, or by a system of voluntary affiliation for self-employed persons, or, finally, by extension of the sickness and maternity insurance benefits to the family members of the persons at present insured, all of which would mean the gradual access of paid female agricultural workers, self-employed women and the spouse and daughters of insured persons to social insurance benefits.

65. Title I, chapter VII of the Labour Code, entitled "Work by women and young persons", lays down a series of rules for industrial safety, taking account of the organic differences between women and young persons on the one hand and adult men on the other, the result being the imposition of certain restrictions on the work which they may perform. Thus, for example, article 138 of the Labour Code prohibits night work:

> "Night work by women and males under the age of 18 years shall be prohibited, with the exception of domestic service.
>
> "However, with regard to work by women, the prohibition shall be waived in case of the exercise of managerial or technical or professional functions, of health or welfare work or of any other activity not of a manual or industrial character, or which does not prejudice the physical or moral health of the worker, always subject to written authorization by the Juvenile Tribunal, which shall in each case give the reasons for its decision."

66. Article 139 of the Labour Code likewise prohibits unhealthy and dangerous work by women and boys under the age of 18 years, and then proceeds to list the types of work in question:

> "(a) Distillation of alcohols and manufacture or mixing of spirits;
>
> (b) Manufacture of white lead, red lead or any other toxic pigments, and likewise the handling of paints, enamels or varnishes containing salts of lead or arsenic;
>
> (c) Manufacture or preparation of explosives or inflammable or caustic materials, or work in premises or places where any of the above-mentioned substances are manufactured, prepared or stored;
>
> (d) Cutting and polishing of glass, polishing of metals with emery, and work in any premises or places where there is regular release of irritating or toxic dusts or vapours;
>
> (e) Loading or unloading of ships, even where this is done by cranes or derricks;
>
> (f) Work under ground or in quarries;

(g) Work as locomotive drivers or firemen;

(h) Handling of drive belts, circular saws or other dangerous machinery;

(i) Glass or metal founding;

(j) Transport of incandescent materials;

(k) Dispensing of alcoholic, distilled or fermented beverages;

(l) In general, work constituting a grave danger for the moral welfare or physical development of women and boys of the age stated.

Labour inspectors must inform the Directorate General of the branch of industry in question, or the subdirectorates, of work or industries which they consider to fall within the above categories, on pain of dismissal."

67. With exclusive reference to women and the protection of their reproductive function, the Labour Code is categoric in establishing guarantees regarding security of job tenure, equal pay and the necessary social services to ensure that parents can combine their family duties and their working responsibilities, and in providing for the infliction of penalties on employers who violate the regulations:

"Art. 153. Work prohibited for female staff. Work by female staff is prohibited during the time between two weeks before and six weeks after childbirth.

"In such cases absence from work shall be justified by submission of a medical certificate issued by a medical officer of the Ecuadorian Institute of Social Insurance or, failing this, by another professional person; the certificate shall indicate the probable date of birth or the date when birth took place.

"Art. 154. Protection of pregnant women. A work contract may not be terminated on account of pregnancy of a female worker, and the employer may not replace her permanently within the eight-week period laid down in the preceding article.

"During this period the woman shall be entitled to draw full pay, except in the case provided under the compulsory Social Insurance Act, and shall likewise enjoy benefits not less favourable than those laid down in this Code.

"Art. 155. Incapacity for work owing to illness due to pregnancy or childbirth. In cases where a woman remains absent from her workplace for a period of up to one year as a result of an illness which, according to the medical certificate, is due to pregnancy or childbirth, and renders her unfit for work, her work contract may not be terminated on these grounds. Wages shall not be paid for any time exceeding the eight weeks fixed in the preceding article, without prejudice however to the option to assign a longer period under collective work contracts.

"The provisions of the preceding paragraph do not cover the exceptions listed in article 14.

"Except in the cases defined in article 171, a pregnant woman may not be dismissed or evicted as from the commencement of pregnancy, to be established by submission of the medical certificate issued by an official of the Ecuadorian Institute of Social Insurance or, failing that, by another authorized person.

"In cases of dismissal or eviction as referred to in the preceding paragraph, the Labour Inspector shall order the employer to pay the female worker compensation equivalent to one year's salary, without prejudice to any other rights she may have.

"Art. 156. Day nurseries and nursing of infants. At permanent places of work having 50 or more workers, the employer shall establish on or near the premises or work centre a day nursery service for the care of workers' children, with cost-free provision of attendance, food, and the necessary space and equipment.

"At such establishments the mother shall be entitled to a free period of 15 minutes every three hours during the nine months following the birth for the purpose of nursing her child.

"At undertakings or work centres which do not have day nurseries, the working day of the nursing mother during the nine months following the birth shall be six hours, to be fixed or distributed in accordance with the collective contract, the internal regulations of the establishment or by agreement between the parties."

68. The exception to which the second paragraph of article 54 refers is that of the maternity grant accorded by the Ecuadorian Institute of Social Insurance to female workers. Workers in private undertakings shall draw 75 per cent of their wage during the eight weeks' leave of absence to which the article in question refers, the employer having to pay the remaining 25 per cent. Female workers in the public service, on the other hand, enjoy two months' maternity leave.

69. The exceptions listed in article 14 referred to in the second paragraph of article 155, quoted above, are:

"(a) Special-service contracts, outside the normal practice of the undertaking or employer;

(b) Occasional, temporary or precarious contracts, or contracts not of a customary nature;

(c) Domestic service contracts;

(d) Apprenticeships;

(e) Contracts concluded between craftsmen and their workers; and

(f) Probationary contracts."

70. The reference to article 171 appearing in the third paragraph of article 155 quoted above concerns the causes for which the employer may terminate the contract; these are as follows:

"1. Repeated and unjustified tardiness or failure to attend the work place or abandonment of the work place for a period of more than three consecutive days, without proper cause and provided that the transgressions in question have occurred within a period of one working month;

2. For serious acts of indiscipline or disobedience in respect of the legally approved internal regulations of the establishment;

3. Dishonesty or immoral conduct;

4. Grave damage to the employer, his spouse, his relatives in the ascending or descending line, or his representative;

5. Clear incompetence with regard to the task or work for which the worker was recruited;

6. Unjustified complaints against the employer regarding his obligations under social insurance. On the other hand, where the complaint is justified, the worker shall have his security of tenure guaranteed for a period of two years; and

7. Failure to observe the rules of safety, accident prevention and hygiene required by law, by regulation or by the competent authority; violation, without proper justification, of medical instructions and advice."

Article 12 of the Convention.

71. The Ministry of Public Health has prepared a general report on activities being carried out on behalf of Ecuadorian women, and it is hoped shortly to receive detailed information on this work, which will be submitted to the Committee on the Elimination of Discrimination Against Women as soon as possible.

72. As regards health, the situation of women should be considered from two points of view: the woman as a working official and the woman as a recipient of health benefits. In connection with the first of these, it should be stressed that for some years past women have been playing a prominent role either as senior officials in certain areas - where they have an important share in decision-making, programming and training under the various programmes assigned to them - or as members of the Health Team which, in collaboration with other professions and disciplines, undertakes the administration, organization and operation of various health services and is also responsible for the direct care of persons.

73. Regarding the second point of view, the services which the Ministry of Public Health offers to women are essentially adapted to the various physiological stages through which women normally pass during the course of their life. Thus, the Ministry of Public Health makes arrangements to take care of the family in general and of the mother and child in particular.

74. Special care is devoted to women during pregnancy, childbirth and the post-partum period. In pregnancy, emphasis is laid on early diagnosis, periodic checks, vaccination, dietary supplements, and the appropriate educational work, so as to protect the health of the mother and the future child. Women in childbirth are cared for differently depending on whether they live in town or country; in the latter case the Ministry assigns an important role to the practical midwives, who attend the great majority of births in rural areas - doing their work in accordance with long-established social custom - and who are trained to observe the essential hygienic precautions which help to prevent complications. During the post-partum period the mother receives home visits at which, apart from medical checks, emphasis is laid on the importance of feeding with mother's milk and the care and supervision which the child requires.

75. As a further activity in the health field, examinations are carried out for the early detection of mammary and uterine cancer. In addition, the Ministry offers information facilities, if the parents so desire, in connection with spacing of pregnancies, and all this work has the effect of protecting the health of mother and child.

76. In the field of family planning, the Ecuadorian State guarantees the right of parents to have the number of children which they can maintain and educate, and

likewise advocates a responsible attitude to parenthood and encourages educational activities enhancing the status of the family (article 24 of the Constitution).

77. However, private bodies have been the most active in this field. This is the case with the Centre for Population Studies and Responsible Parenthood (CEPAR), which has conducted its activities in three main spheres:

(a) Training: by means of training programmes for professional people and leaders in civic and community affairs regarding matters of population and family planning;

(b) Information: by publicizing the relevant and topical aspects of population questions and family welfare and family planning; and

(c) Research: by means of compilation of information available on various aspects of demography, family planning and sex education.

78. In addition to the above projects, the CEPAR, with the assistance of experts, has organized meetings and seminars, and also training campaigns in the form of dissemination of printed material on the subject, and is preparing a survey of the knowledge of these matters possessed by leading people in the country.

Article 14 of the Convention.

79. Within the framework of the National Development Plan, the Secretariat of Overall Rural Development (SEDRI) was set up with the aim of preparing, implementing and evaluating the overall rural development projects contemplated in the policies laid down in the Plan. These projects approach the problems of marginal rural sectors on the basis of an overall concept and placing emphasis on participation by country residents. This means that activities are not laid down in advance, but emerge from inquiry and from an ongoing dialogue between technicians and country residents. It is the dynamic conversion of these processes into a specific reality which determines the courses of action adopted. Thus, in a number of projects there are activities in which women are deeply involved (appendix 4).

80. Rural women also participate in 20 community development projects implemented at national level by the Ministry of Agriculture and Stockbreeding's Division of Rural Development, the aim of which is to promote the operational and social development of rural organizations, through the implementation of production support programmes and the provision of infrastructure and basic social services. In these projects women participate: (a) in rural organization; (b) as recipients of credits; and (c) in community work. In the 20 community projects, 41 women who are heads of families have received loans for the cultivation of potatoes, maize, kidney beans, broad beans, barley, cacao and bananas and for the purchase of livestock.

81. The National Development Bank also grants credit to physical or juridical persons who meet the conditions laid down in its charter, with no discrimination, including no discrimination on grounds of sex, and has implemented a number of projects involving the grant of credits subject to the conditions governing its operations, in which women can participate as prospective recipients of the loan for which application is being made.

82. The Marginal Rural Development Fund (FODERUMA), a subsidiary of the Central Bank of Ecuador and acting as a support mechanism for marginal rural sectors, channels resources by opening up sources of credit; supplementing its action by social projects aimed at achieving overall development, it considers that community participation is an essential factor which must be taken into account throughout

the process. In the light of this, its objectives include "promoting the participation of women in rural organizations and hence in the entire development process".

83. It was in line with this purpose that in June 1979 the Rural Women's Programme was launched as a part of the Integral Projects of FODERUMA, which is intended to encourage deliberate and critical participation by women, and also to create opportunities for training and employment by means of programmes of social training and self-managing production projects, the whole being intended to promote and improve the status of women (appendix 5).

Articles 15 and 16 of the Convention.

84. The principle of equality of women, as mentioned in paragraph 5 of this report, is formally propounded in the Constitution itself, but the spirit of this concept pervades all the rest of the national legal system, subject to a very few exceptions which will be indicated below.

85. In the field of civil law, article 139 of the Civil Code establishes the equal opportunity for men and women to exercise their legal capacity, stating:

> "The wife does not require the consent of the husband to dispose of her property either by testament or inter vivos. She has in general the same capacity which she would have were she unmarried in all matters respecting her own property or the conduct of business involving third parties."

86. Unfortunately, when this reform was introduced into the Civil Code in 1970, similar measures were not taken in respect of the procedural legislation, which still contains discriminatory provisions which have for some time been giving rise to contradictory decisions by the Supreme Court of Justice. In order to find a solution for this anomalous situation, Supreme Decree No. 1482 published in Official Gazette No. 355 of 10 June 1977 settled the differences of opinion on the subject and stipulated: "It is hereby expressly stated that a married woman has the legal capacity to appear in court in any capacity, as plaintiff or defendant."

87. Freedom of movement is a constitutional right guaranteed under the Political Charter of the State, article 19 (8) of which grants to all persons:

> "The right to move freely throughout the national territory and to choose their place of residence. The law establishes the restrictions essential for the maintenance of national security.
>
> "Ecuadorian citizens enjoy freedom to enter and leave the country. The movement of foreigners is governed by the relevant provisions of law; ...".

88. Restrictions imposed by law may in no case be based on the sex of the persons concerned; nevertheless the Civil Code contains certain contradictory provisions on this subject. Article 57 lays down that "the original domicile of the spouses shall be the place of marriage, but either or both of them may subsequently lose this domicile and acquire another in accordance with the general rules of the law", while article 135 provides that "the husband shall be entitled to require his wife to live with him and to follow him wherever he may transfer his residence, except where a court finds there are serious and commensurate grounds to the contrary. The wife shall be entitled to require the husband to receive her into his house."

89. Observance of the principle of equality of the legal status of spouses is illustrated by the provision contained in article 96 of the Ecuadorian Civil Code, which states:

"Likewise constituting grounds for nullity of the marriage is absence of free and spontaneous consent on the part of one or both parties, at the time of conclusion of the marriage, for one or more of the following reasons:

1. Error regarding the identity of the other party;

2. Mental illness rendering a party unsound in mind;

3. Abduction of the woman, provided that at the moment of conclusion of the marriage she has not recovered her liberty; and

4. Grave and serious threats such as to instil uncontrollable fear."

90. Regarding the rights and responsibilities of parents in matters connected with their children, reference may be made to article 279 of the Civil Code:

"Children conceived in wedlock owe respect and obedience to their father and mother; but are especially under the authority of their father.

"Children conceived out of wedlock but who have been voluntarily recognized by both parents at the same time or who have been judicially declared legitimate in one and the same court decision are governed by the preceding rule.

"Children conceived out of wedlock who have been recognized by only one parent owe respect and obedience to that parent only.

"Children conceived out of wedlock who have been voluntarily recognized by both parents at different times are in principle under the authority of the first parent to have recognized them, except where a judge has granted their custody to the other parent, in which case obedience is due primarily to that parent.

"Preference will normally be given to the parent having voluntarily recognized the child, rather than to a party who has been judicially declared to be a parent, for purposes of custody of the child, except in special and serious cases where the judge has ordered the opposite arrangement in the interests of the child.

"A father or mother who have been legally declared such may require from the child no other duty than that of obedience and respect."

91. As will be seen from the foregoing provision, notwithstanding the general equalization of the rights of spouses effected by the reforms of 1970, there remain in Ecuadorian civil law certain provisions prejudicial to the principle of the equality of the sexes before the law. The same kind of anomaly occurs in articles 292 and 293 of the Civil Code, the text of which is as follows:

"292. The father shall have the right to reprimand and punish his children in moderation; if this does not have the desired effect he may request the juvenile court judge to confine the child in a special establishment, on conditions laid down in the Minors' Code.

"293. The rights granted to the father in the preceding article extend in his absence, incapacity or death to the mother or to any other person assuming legal custody of the child; however, these rights may never be exercised against a child over 18 years of age."

92. This lack of equality to the disadvantage of the wife, taking the form of granting her only restricted powers in exercise of her rights and obligations respecting her children, is unfortunately repeated in more than one Ecuadorian legal provision. Such is the case with the right to direct the education of children, set forth in article 294 of the Civil Code:

> "The father, or failing him the mother, shall have the right to direct the education of the children; however the children shall not be obliged to take holy orders or to marry against their will",

while article 282 of the Code stipulates that:

> "The direction of the upbringing and education of the children is the joint responsibility of the parents, or the responsibility of the surviving father or mother."

93. Regarding the institutions of guardianship and trusteeship, the Ecuadorian Civil Code defines them in article 385, as follows:

> "Guardianships and trusteeships represent an undertaking to give necessary protection to persons who are unable to look after themselves or competently to administer their affairs and who are not under parental authority.
>
> "The persons exercising these responsibilities are called guardians or trustees",

and goes on to specify in what cases these responsibilities take the name of guardianship or of trusteeship, together with the categories thereof:

> "388. Minors are subject to guardianship.
>
> "389. Persons placed under judicial restraint are subject to general trusteeship.
>
> "390. Trustees to property are appointed to take charge of the property of an absent person, of unclaimed estate and of the eventual rights of persons unborn.
>
> "391. Associate trustees are appointed in certain cases in respect of persons who are under the authority of their father or mother or under guardianship or general trusteeship, for the purpose of exercising independent management.
>
> "392. A special trustee is a trustee appointed in a particular case."

94. In general there is no discrimination against women in the exercise of these functions, although we do find the same restriction of the mother's rights to cases where the father is absent, with respect to emancipated minor children of parents still alive and to the judicial suspension of parental authority. The following is provided in article 411 of the Civil Code, referring to the judicial guardianship to be instituted when testamentary guardianship expires:

> "Parties called upon to exercise judicial guardianship are:
>
> Firstly, the father of the minor;
>
> Secondly, the mother;

Thirdly, the other ascendants;

Fourthly, the brothers of the ward and the brothers of the ward's ascendants ...".

95. Title XIII of the First Book of the Ecuadorian Civil Code refers to adoption, which is defined as "the institution under which a person, called the adopter, acquires the rights and contracts the obligations of father or mother, as defined in this title, in respect of a minor who is called the adoptee" (article 332). This definition places men and women on an equal footing as regards the rights and obligations towards adoptees. This equality further emerges from the provisions of article 334 of the Code, whose text is repeated word for word in article 84 of the Minors' Code, laying down the prerequisites for adoption and omitting any reference to considerations of sex:

"For a person to adopt a minor, the following conditions must be fulfilled: the adopter must enjoy legal capacity; he or she must have free disposal of his or her property; he or she must be over 30 years of age and must be at least 14 years older than the adoptee."

96. The right to choose the family name is guaranteed under the Civil Registration Act, article 82 of which reads as follows:

"Married woman, widow, divorced woman or judicially separated woman. A married woman may add to her name that of her husband preceded by the preposition 'de'.

"A widow may continue using the name of her deceased husband, preceded by the preposition 'de'. If she has been widowed more than once, she may use the name of her last deceased husband. In both cases, if she so prefers, she may use her maiden name.

"A divorced woman shall use her maiden name.

"A judicially separated woman may use the name of her husband preceded by the preposition 'de'."

97. The article quoted above grants women the right of retaining their maiden name even when they are married or, having been married, when they are judicially separated or widowed. This right is implicit in the use of the word "may", which, in the absence of the mention of any specific alternative, represents only the right to use the maiden name.

98. With respect to the rights accruing to spouses in connection with ownership, purchase, management, administration, usufruct and disposal of property, it should be pointed out that, under Ecuadorian law, the mere conclusion of the marriage gives rise to the "marriage partnership", except in cases where the spouses, under marriage articles or by a decision subsequent to marriage, agree to establish a régime of separation of property. Article 137 of the Ecuadorian Civil Code provides as follows:

"Through marriage concluded in accordance with Ecuadorian law, joint ownership of property is established between the spouses.

"Persons who have married abroad and who establish their domicile in Ecuador shall be regarded as governed by the régime of separation of property unless, in accordance with the law under which they married, joint ownership of property was established."

99. Articles 149 and 151 of the Code refer to the marriage articles mentioned in the preceding paragraph; the text states:

"149. Marriage articles are the agreements which a couple concludes before contracting marriage, or which spouses conclude in cases of reconciliation after judicial separation, in respect of the property, donations and assignments which they desire to make one to the other, at present or in the future.

"151. In the marriage articles the couple designates:

1. The property which each party brings to the marriage, with an indication of its value;

2. The debts of each party;

3. The inclusion in the marriage partnership of certain property which, under the normal rules, would not be so included;

4. The decision, taken by each party, that certain property, which under the normal rules would be included in the marriage partnership, shall be governed by the régime of separation of property; and

5. In general, the rules governing the administration of the marriage partnership can be amended in the marriage articles, provided that no damage to the interests of third parties ensues."

100. As a general rule, the property listed in article 157 of the Civil Code forms part of the marriage partnership; the text reads as follows:

"The assets of the marriage partnership consist of:

1. The salaries and emoluments paid in respect of all kinds of employment and functions arising during the marriage;

2. All the fruits, yields, pensions, interest and profit of any kind whatever, originating either from the joint property or from the sole property of each spouse and arising during the marriage;

3. The money which either of the spouses contributes to the partnership or acquires during it; the partnership being obliged to return an equal sum;

4. The fungible things and the movables which each spouse contributes to the marriage or acquires during it, the partnership being obliged to return the value thereof, according to its worth at the time of contribution or acquisition; and

5. All the property which either spouse acquires during the marriage, for valuable consideration.

"The above rules may be amended by the marriage articles, as provided in article 151."

There are certain restrictions referring to property acquired by either spouse gratuitously.

101. The administration of the joint property established by virtue of the marriage is generally the responsibility of the husband, who "may authorize the wife to perform acts relating to such administration", as laid down in article 138 of the Civil Code. Nevertheless, the wife has the right of administration of the joint property under extraordinary circumstances; this emerges from article 189 of the Code:

> "A wife who, in cases where her husband is under a disability or has been absent for a long period and not in communication with his family, has been appointed her husband's trustee or trustee to his property, shall ipso facto conduct the administration of the marriage partnership."

She thus possesses in this respect the same capacity as her husband possesses for purposes of ordinary administration.

102. As one of the measures adopted consequent upon the accession to and ratification by Ecuador of the International Convention on the Elimination of All Forms of Discrimination Against Women, which represents a decisive step towards achieving equality of rights between men and women, particularly with regard to the right to conclude contracts, the Ecuadorian Companies Supervisory Board adopted resolution No. 12510 of 30 June 1983, under which it recognized the married woman's right to take part in the formation of limited-liability and joint-stock companies and to exercise independently their rights as partners or shareholders. Annexed to this report is the text of the resolution in question (appendix 6).

103. Similarly, as a consequence of the above accession and ratification, and for purposes of bringing national legislation into line with the text of the Convention, various leaders of women's organizations in Ecuador, together with the Institute of Family Studies and participants in the national workshop "Women in Ecuadorian Legislation", held in 1983, submitted to the National Congress's Permanent Committee on Civil and Criminal Legislation a study on appropriate amendments to various codes and laws which retain provisions discriminating against women. This study served as the basis for preparation by the above-mentioned Committee of a draft "Act on the Legal Equality of the Sexes", the text of which is annexed to this report (appendix 7) and which is at present being studied by the National Congress, with hopes of early approval.

104. Finally, the Government of Ecuador wishes to recognize the work done by Miss Graciela Escudero Moscoso - who was a member, in a personal capacity, of the Committee on the Elimination of Discrimination Against Women until the month of March this year - in compiling data and furnishing advice for the preparation of this report. The presence of Miss Escudero on the Committee constitutes recognition, apart from her clear personal and professional qualifications, of the position occupied by Ecuador in the concert of nations as regards respect for human rights and basic freedoms.

105. With the foregoing the Ecuadorian Government is thus fulfilling the undertaking accepted on acceding to and ratifying the International Convention on the Elimination of All Forms of Discrimination Against Women and, while regretting not to have been able to do so within the deadlines set, has made every effort to follow the guidelines laid down by the Committee in document CEDAW/C/7 of 11 August 1983. It trusts that the information provided will be of value to the Committee, and is prepared to furnish any additional data required, either in the first periodical report or whenever the Committee should decide.